

U.S. Patent Application Serial No. 10/533,586
Amendment filed April 28, 2009
Reply to OA dated January 29, 2009

REMARKS

Claims 1, 5, 7, 9-10, 13 and 15 are pending in this application. Claim 1 is canceled herein without prejudice or disclaimer, and claim 5 is amended. Upon entry of this amendment, claims 5, 7, 9-10, 13 and 15 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

The Office communication dated January 29, 2009, states that the newly submitted claims 1, 5, 7, 9, 10, 13 and 15 are directed to an invention that is independent or distinct from the invention originally claimed, and that the original invention has been constructively elected. Therefore, claims 1, 5, 7, 9, 10, 13 and 15 are withdrawn from consideration as being directed to a non-elected invention. The Examiner considers that the amendment dated November 20, 2008, presented only claims to a non-elected invention and was therefore non-responsive.

In response, claim 1 has been canceled without prejudice or disclaimer.

In addition, claim 5 has been amended to delete the recitation in the preamble "serving as a standard in the method of determining the suitability of a solar radiation shielding member according to claim 1," which made reference to claim 1.

Applicant submits the amendment to claim 5 made on November 20, 2008, did not change the preamble of claim 5, that is "a solar radiation shielding member forming fluid dispersion." With the present amendment of claim 5 to remove the reference to canceled claim 1, Applicant submits

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that there is no basis for considering that present claim 5 is directed to a different invention than originally claimed. Examination of claims 5, 7, 9-10, 13 and 15 is therefore respectfully requested.

Applicant submits that the deleted recitation of "serving as a standard in the method of determining the suitability of a solar radiation shielding member according to claim 1" in the preamble of claim 5 was not limiting, and that Applicant's arguments regarding the rejections of claims 5, 7, 9-10, 13 and 15 made in the Amendment dated November 20, 2008, are applicable to the pending claims.

Reconsideration of the rejections is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
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Enclosure: Petition for Extension of Time



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